

DFEH News Brief

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CALIFORNIA ORDERS UNITED PARCEL SERVICE TO PAY OVER \$96,000 FOR FIRING DISABLED EMPLOYEE

ELK GROVE, CA -- The California Department of Fair Employment and Housing (DFEH) announced today that United Parcel Service (UPS) must pay more than \$96,000 in damages after the company fired employee Eva Linda Mason because of her disability. The Fair Employment and Housing Commission (Commission) found that UPS had unlawfully terminated Ms. Mason even though she could perform the essential functions of her job.

UPS hired Ms. Mason in 1997 primarily as an Operations Management Specialist to handle customer calls and complaints on shipments. Although she occasionally located packages in a warehouse, handling packages was not part of her job. After Ms. Mason had knee surgery and took a leave of absence to recover in 2007, she continued to carry out the essential customer service functions of her job. Nonetheless, UPS perceived Ms. Mason as disabled because she had some restrictions, such as limited standing, walking, bending, and kneeling. UPS had a 12-month cap on the length of time employees with disabilities could be reasonably accommodated from their regular duties. UPS applied this cap to Ms. Mason and fired her in August 2008.

"Using a 12-month cap to fire disabled employees is unlawful under the Fair Employment and Housing Act (FEHA)," said the Department of Fair Employment and Housing Director Phyllis Cheng. "Employees with disabilities must be allowed to work if they can perform their essential job duties with or without accommodation."

The Commission ordered UPS to pay \$96,170 in damages, including \$10,000 in administrative fines to the State. UPS must also post a notice about its liability and develop a policy and train management on disability discrimination.

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The mission of the DFEH is to protect Californians from unlawful discrimination in employment, housing and public accommodations and from hate violence. For more information about the DFEH and the laws it enforces, visit the Department's website at www.dfeh.ca.gov.